



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU


RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**


Date Transfer Requested: 01/31/2006 (Per: MGD)



Appendix A

 The 2005 drafting file for LRB 05s0484/3
has been copied/added to the 2005 drafting file for
LRB 05s0499 (SSA1-SB525)

 The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

2005 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB525)

Received: **01/24/2006**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Ronald Brown (608) 266-8546**

By/Representing: **Mary Offerdahl**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Brown@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**
cathlene.hanaman@legis.state.wi.us
mary.offerdahl@legis.state.wi.us
michael.dsida@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Disrupting a funeral or memorial service or a funeral procession

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 01/26/2006	jdye 01/26/2006		_____			
/1			jfrantze 01/26/2006	_____	lemery 01/26/2006	lemery 01/26/2006	
/2	mdsida	jdye	pgreensl	_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/26/2006	01/27/2006	01/27/2006	_____	01/27/2006	01/27/2006	
	mdsida	jdye		_____			
	01/30/2006	01/30/2006		_____			
/3			pgreensl	_____	mbarman	mbarman	
			01/30/2006	_____	01/30/2006	01/30/2006	

FE Sent For:

<END>

Jacket
Returned
01-31-05
(see attached)

2005 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB525)

Received: **01/24/2006**

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/?	mdsida 01/26/2006	jdyer 01/26/2006					
/1			jfrantze 01/26/2006		lemery 01/26/2006	lemery 01/26/2006	
/2	mdsida	jdyer 1/30/06	pgreensl 1/30/06	1/30/06 p815	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/26/2006	01/27/2006	01/27/2006	_____	01/27/2006	01/27/2006	

FE Sent For:

<END>

2005 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB) ~~LRB 444444~~ 525

Received: 01/24/2006

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Ronald Brown (608) 266-8546

By/Representing: Mary Offerdahl

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

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Carbon copy (CC:) to: robin.ryan@legis.state.wi.us
cathlene.hanaman@legis.state.wi.us
mary.offerdahl@legis.state.wi.us
michael.dsida@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Disturbing the peace at or disruptions of funerals or memorial services

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mdsida 01/26/2006	jdye 01/26/2006					
/1		12/27 jld	jfrantze 01/26/2006	12/27	lemery 01/26/2006	lemery 01/26/2006	

1/27 PS P8196

LRBs0484

01/26/2006 02:10:12 PM

Page 2

FE Sent For:

<END>

2005 DRAFTING REQUEST**Senate Substitute Amendment (SSA-SB(LRBx4444/1))**Received: **01/24/2006**Received By: **mdsida**Wanted: **As time permits**

Identical to LRB:

For: **Ronald Brown (608) 266-8546**By/Representing: **Mary Offerdahl**This file may be shown to any legislator: **NO**Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

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cathlene.hanaman@legis.state.wi.us
mary.offerdahl@legis.state.wi.us

Pre Topic:

No specific pre topic given

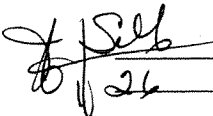
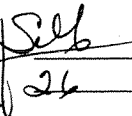
Topic:

Disturbing the peace at or disruptions of funerals or memorial services

Instructions:

See Attached

Drafting History:

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/?	mdsida	1/26 jcd					

FE Sent For:

<END>



P/c from Mary O

Change to draft

Wants to add likely to disrupt; ~~the~~ I reiterated that
there's a constitutional prob w/that. She told me just to
~~add~~ Add 947.01 language

Found on mem svc

add interment

Class 1 felony only applies
if person has prior and intended to
cause result

P/c from Mary O (response to my email)

~~Don't~~ Don't require knowledge in order to get
Class A penalties

that vehicles are in
process

Dsida, Michael

From: Dsida, Michael
Sent: Thursday, January 26, 2006 11:12 AM
To: Offerdahl, Mary
Subject: RE: Sen. Brown funeral bill request confirmed

If a person engages in disorderly conduct that impedes vehicles that are part of a funeral procession, is he or she guilty of a Class A misdemeanor even if he or she does not know that the vehicles are part of a procession?

From: Offerdahl, Mary
Sent: Tuesday, January 24, 2006 2:43 PM
To: Dsida, Michael
Cc: Shannon, Pam; Lindstedt, Daniel
Subject: Sen. Brown funeral bill request confirmed

Hi Mike (copy to Dan and Pam), Dan from Sen. Brown's office just let me know he called you to confirm Sen. Brown's request. As per our phone discussion, Sen. Brown is asking that the misdemeanor part of the bill be drafted prohibiting the described conduct if the conduct is intended to disrupt the service or "is disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance" (language in quotes piggybacking off of current s. 947.01, Stats). The felony part of the bill would just be the "is intended to..." subjective standard. And "funeral or memorial service" will include "internment" as well as "wake". Thanks again, Mary O.

Mary Offerdahl, Staff Attorney
Wisconsin Legislative Council Staff
Work Phone: (608) 266-2230



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0484/1

MGD:...

jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE SUBSTITUTE AMENDMENT,
TO 2005 SENATE BILL (LRB-4444/1)

Soon

Gen

1 AN ACT ...; relating to: disrupting a funeral or memorial service or a funeral
2 procession and providing penalties. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 947.011[✓] of the statutes is created to read:

4 **947.011 Disrupting a funeral or memorial service.** (1) In this section: ✓

5 (a) "Facility" includes a cemetery in which a funeral or memorial service takes
6 place.

7 (b) "Funeral or memorial service" includes a wake or a burial, as defined in s. ✓

8 157.061[✓] (1), but does not include a service that is not intended to honor or
9 commemorate one or more specific decedents. ✓

10 (2) (a) No person may do any of the following during a funeral or memorial ✓
11 service, during the 60 minutes immediately preceding the scheduled starting time

1 of a funeral or memorial service if a starting time has been scheduled, or during the
2 60 minutes immediately following a funeral or memorial service:

3 1. Engage in a loud protest that involves singing, chanting, whistling, yelling,
4 or honking a motor vehicle horn within 500 feet of any entrance to a facility being
5 used for the service if the protest is intended to disrupt the service. This subdivision
6 applies regardless of whether an electric sound amplification device is used during
7 the protest.

8 2. Intentionally display any visual image that conveys fighting words or actual
9 or veiled threats against any other person within 500 feet of any entrance to a facility
10 being used for the service.

11 3. Intentionally block access to a facility being used for the service.

12 (b) No person, with the intent to disrupt a funeral procession, may impede
13 vehicles that he or she knows are part of the procession.

14 (c) No person may do any of the following during a funeral or memorial service,
15 during the 60 minutes immediately preceding the scheduled starting time of a
16 funeral or memorial service if a starting time has been scheduled, or during the 60
17 minutes immediately following a funeral or memorial service if the person's conduct
18 violates s. 947.01:

19 1. Engage in a loud protest, with or without using an electric sound
20 amplification device, that involves singing, chanting, whistling, yelling, or honking
21 a motor vehicle horn within 500 feet of any entrance to a facility being used for the
22 service. This subdivision applies regardless of whether an electric sound
23 amplification device is used during the protest.

2. Display any visual image that conveys fighting words or actual or veiled threats against any other person within 500 feet of any entrance to a facility being used for the service.

4 3. Block access to a facility being used for the service.

(d) No person may engage in conduct in violation of s. 947.01 if the conduct impedes vehicles are part of a funeral procession.

7 (3) (a) Except as provided in par. (b), any person who violates this section is
8 guilty of a Class A misdemeanor.

9 (b) Any person who violates sub. (2) (a) or (b) after having been convicted of a
10 violation of this section is guilty of a Class I felony.

11 (END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0484/002
MGD:jld:jf

LPS-Fix
request sheet

SENATE SUBSTITUTE AMENDMENT,
TO 2005 SENATE BILL (LRB-4444/1)

525

soon

Regen

1 AN ACT *to create* 947.011 of the statutes; **relating to:** disrupting a funeral or
2 memorial service or a funeral procession and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 947.011 of the statutes is created to read:

4 **947.011 Disrupting a funeral or memorial service.** (1) In this section:

5 (a) "Facility" includes a cemetery in which a funeral or memorial service takes
6 place.

7 (b) "Funeral or memorial service" includes a wake or a burial, as defined in s.
8 157.061 (1), but does not include a service that is not intended to honor or
9 commemorate one or more specific decedents.

10 (2) (a) No person may do any of the following during a funeral or memorial
11 service, during the 60 minutes immediately preceding the scheduled starting time

1 of a funeral or memorial service if a starting time has been scheduled, or during the
2 60 minutes immediately following a funeral or memorial service:

3 1. Engage in a loud protest that involves singing, chanting, whistling, yelling,
4 or honking a motor vehicle horn within 500 feet of any entrance to a facility being
5 used for the service if the protest is intended to disrupt the service. This subdivision
6 applies regardless of whether an electric sound amplification device is used during
7 the protest.

8 2. Intentionally display any visual image that conveys fighting words or actual
9 or veiled threats against any other person within 500 feet of any entrance to a facility
10 being used for the service.

11 3. Intentionally block access to a facility being used for the service.

12 (b) No person, with the intent to disrupt a funeral procession, may impede
13 vehicles that he or she knows are part of the procession.

14 (c) No person may do any of the following during a funeral or memorial service,
15 during the 60 minutes immediately preceding the scheduled starting time of a
16 funeral or memorial service if a starting time has been scheduled, or during the 60
17 minutes immediately following a funeral or memorial service if the person's conduct
18 violates s. 947.01:

19 1. Engage in a loud protest, with or without using an electric sound
20 amplification device, that involves singing, chanting, whistling, yelling, or honking
21 a motor vehicle horn within 500 feet of any entrance to a facility being used for the
22 service. This subdivision applies regardless of whether an electric sound
23 amplification device is used during the protest.

1 2. Display any visual image that conveys fighting words or actual or veiled
2 threats against any other person within 500 feet of any entrance to a facility being
3 used for the service.

4 3. Block access to a facility being used for the service.

5 (d) No person may engage in conduct in violation of s. 947.01 if the conduct
6 impedes ^{that} vehicles [✓] are part of a funeral procession ^{if the person's conduct violates}

7 (3) (a) Except as provided in par. (b), any person who violates this section is
8 guilty of a Class A misdemeanor.

9 (b) Any person who violates sub. (2) (a) or (b) after having been convicted of a
10 violation of this section is guilty of a Class I felony.

11

(END)



STATE BAR
of WISCONSIN
CLE Seminars

800-728-7788
www.wisbar.org/cle/seminars/

Notes

P/c from Pam + Mary

Need to cover "Thank God for IED" signs

Also suggested consolidating + shorten them

subd 1. + 2.

BT

Time / Place / Manner ??
Political funeral?

BB-Gla

Dan - m

Dan - add "likely to"



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0484/23 3
MGD:jld:pg

RMNR

SENATE SUBSTITUTE AMENDMENT,
TO 2005 SENATE BILL 525

Today
(Men)

Regen

1 AN ACT *to create* 947.011 of the statutes; *relating to:* disrupting a funeral or
2 memorial service or a funeral procession and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. *947.011* of the statutes is created to read:

4 **947.011 Disrupting a funeral or memorial service.** (1) In this *section:*

5 (a) "Facility" *includes* a cemetery in which a funeral or memorial service takes
6 place.

7 (b) "Funeral or memorial service" *includes* a wake or a burial, as defined in s.
8 157.061 (1), but does not include a service that is not intended to honor or
9 commemorate one or more specific decedents.

10 (2) (a) No person may do any of the following during a funeral or memorial
11 service, during the 60 minutes immediately preceding the scheduled starting time

with the intent
to disrupt the service if
the protest or image is likely

or display
any visual image

of a funeral or memorial service if a starting time has been scheduled, or during the 60 minutes immediately following a funeral or memorial service:

1. Engage in a loud protest that involves singing, chanting, whistling, yelling, or honking a motor vehicle horn within 500 feet of any entrance to a facility being used for the service if the protest is intended to disrupt the service. This subdivision applies regardless of whether an electric sound amplification device is used during the protest.

2. Intentionally display any visual image that conveys fighting words or actual or veiled threats against any other person within 500 feet of any entrance to a facility being used for the service.

3. Intentionally block access to a facility being used for the service.

2. (b) No person, with the intent to disrupt a funeral procession, may impede vehicles that he or she knows are part of the procession.

(c) No person may do any of the following during a funeral or memorial service, during the 60 minutes immediately preceding the scheduled starting time of a funeral or memorial service if a starting time has been scheduled, or during the 60 minutes immediately following a funeral or memorial service if the person's conduct violates s. 947.01:

1. Engage in a loud protest that involves singing, chanting, whistling, yelling, or honking a motor vehicle horn within 500 feet of any entrance to a facility being used for the service. This subdivision applies regardless of whether an electric sound amplification device is used during the protest.

2. Display any visual image that conveys fighting words or actual or veiled threats against any other person within 500 feet of any entrance to a facility being used for the service.

1 3. Block access to a facility being used for the service.

2 42 (d) No person may impede vehicles that are part of a funeral procession if the
3 person's conduct violates s. 947.01.

4 (3) (a) Except as provided in par. (b), any person who violates this section is
5 guilty of a Class A misdemeanor.

6 (b) Any person who violates sub. (2) (a) or (b) after having been convicted of a
7 violation of this section is guilty of a Class I felony.

8 (END)

SUBSTITUTE AMENDMENT JACKET

DATE

S 0484
LRB NUMBER

SENATE SUBSTITUTE AMENDMENT _____

TO _____ **BILL** _____

DO NOT WRITE IN THE SHADED AREA

Offered by Senator (s) _____

Offered by (Joint) Committee on _____

To introduce this substitute amendment: submit this amendment jacket, signed by the amendment authors, and all attached copies to the office of the senate chief clerk, or to a member of the chief clerk's staff at the front desk in the senate chambers.

**SENATE SUBSTITUTE AMENDMENT ,
TO 2005 SENATE BILL 525**

1 **AN ACT** *to create* 947.011 of the statutes; **relating to:** disrupting a funeral or
2 memorial service or a funeral procession and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 947.011 of the statutes is created to read:

4 **947.011 Disrupting a funeral or memorial service.** (1) In this section:

5 (a) "Facility" includes a cemetery in which a funeral or memorial service takes
6 place.

7 (b) "Funeral or memorial service" includes a wake or a burial, as defined in s.
8 157.061 (1), but does not include a service that is not intended to honor or
9 commemorate one or more specific decedents.

10 **(2)** (a) No person may do any of the following during a funeral or memorial
11 service, during the 60 minutes immediately preceding the scheduled starting time

1 of a funeral or memorial service if a starting time has been scheduled, or during the
2 60 minutes immediately following a funeral or memorial service:

3 1. Engage in a loud protest or display any visual image within 500 feet of any
4 entrance to a facility being used for the service with the intent to disrupt the service
5 if the protest or image is likely to disrupt the service.

6 2. Intentionally block access to a facility being used for the service.

7 (b) No person, with the intent to disrupt a funeral procession, may impede
8 vehicles that he or she knows are part of the procession.

9 (c) No person may do any of the following during a funeral or memorial service,
10 during the 60 minutes immediately preceding the scheduled starting time of a
11 funeral or memorial service if a starting time has been scheduled, or during the 60
12 minutes immediately following a funeral or memorial service if the person's conduct
13 violates s. 947.01:

14 1. Engage in a loud protest or display any image within 500 feet of any entrance
15 to a facility being used for the service.

16 2. Block access to a facility being used for the service.

17 (d) No person may impede vehicles that are part of a funeral procession if the
18 person's conduct violates s. 947.01.

19 (3) (a) Except as provided in par. (b), any person who violates this section is
20 guilty of a Class A misdemeanor.

21 (b) Any person who violates sub. (2) (a) or (b) after having been convicted of a
22 violation of this section is guilty of a Class I felony.

23 (END)